

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 798 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH and  
MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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BRIJESH BHAILALBHAI PANCHAL

Versus

RANJILABEN @ TARABEN                      PREMBAHADUR SHAHI

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Appearance:

MR FB BRAHMBHATT for Petitioner  
MR YOGESH LAKHANI for Respondent No. 1  
RULE UNSERVED for Respondent No. 4  
MR KP RAVAL, APP for Respondent No. 6

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CORAM : MR.JUSTICE M.S.PARIKH and  
MR.JUSTICE H.R.SHELAT

Date of decision: 22/09/1999

ORAL JUDGEMENT

1. The petitioner - Brijesh Bhailalbhai Panchal has  
filed this habeas corpus petition alleging that the  
respondents nos. 2 to 4 have illegally detained his wife

- Ranjilaben @ Taraben Prembahadur Shahi - the respondent no.1 herein. According to his case they were in love and ultimately married on 11/5/1999 at Ahmedabad. The other respondents did not accept such relation between the petitioner and the respondent no. 1. Under the detailed facts and circumstances alleged in this petition the petitioner has come out with a case that 1st respondent has been illegally detained by the respondents nos. 2, 3 and 4.

2. When this petition was presented for admission on 17/9/1999 following order was passed :-

"Rule returnable on 22/9/1999.

Respondent No. 5, Police Inspector, Naroda Police Station, Naroda, Ahmedabad is directed to ensure that respondent no. 1, Ms. Ranjilaben alias Taraben remains present before this Court along with her father, Prembahadur Shahi, respondent no. 2 and brothers, Ashokbhai P. Nepali and Rajubhai P. Nepali, respondents nos. 3 and 4, on 22nd September, 1999. Direct service is permitted."

3. Today when the matter was called out we were informed that respondents nos. 1, 2 and 3 remained present. We, therefore, required them to appear before us in our chamber. Accordingly they appeared before us in our chamber. We inquired of the 1st respondent in isolation about the facts, particularly those concerning her desire to join the petitioner. She informed us that she did not want to join petitioner. She also informed us that she was not in any manner illegally detained by respondents nos. 2, 3 and 4. We also tried to see that she would have some time in isolation with the petitioner. We made such suggestion to her, but she refused to have any talk with the petitioner in isolation. We do not express anything with regard to the grievance voiced by the petitioner and the 1st respondent qua them. We would only say that the 1st respondent has not been illegally detained by respondents nos. 2, 3 and 4 and she of her own will would like to stay with her parents/parental relations and not to stay with the petitioner.

4. In view of what is stated above, nothing further survives in this petition. Rule is accordingly discharged.

At the request of Mr. Brahmbhatt the original documents which have been produced by the petitioner shall be returned to Mr. Brahmbhatt, learned advocate for the petitioner on usual undertaking.

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PVR.